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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Charlotte Amalie,
St. Thomas, U.S.V.I.)

RM-_____

PETITION FOR RULE MAKING

The Virgin Islands Public Television System ("VIPTS"), by its attorneys, hereby petitions for the amendment of Section 73.202(b), the FM Table of Allotments, to add Channel 226A to the community of Charlotte Amalie on the island of St. Thomas in the United States Virgin Islands and to reserve that channel for noncommercial educational use.

The Petitioner

1. VIPTS is a State educational television agency which was created by the government of the U.S. Virgin Islands in 1968. It is the licensee of noncommercial educational Station WTJX-TV, Channel *12, Charlotte Amalie, St. Thomas, U.S.V.I. Station WTJX-TV has since 1972 provided public television service to the U.S. Virgin Islands over the main station and through a translator.

Background

2. The U.S. Virgin Islands is an English-speaking United States territory located approximately 1,000 miles southeast of Miami, Florida. The three major islands are St. Thomas, St.

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Croix, and St. John, with a total population, according to the 1990 U.S. Census, of 101,809. The area is also a popular Caribbean travel destination, and during the tourist season there are often 10,000 to 12,000 visitors. St. Thomas is located approximately 40 miles east of Puerto Rico, with St. John a few miles east of St. Thomas. St. Croix is located about 40 miles south of St. Thomas.

3. The Petitioner has since January 1993 sought to bring a first noncommercial educational radio transmission service to the U.S. Virgin Islands. It has applied for authority to construct public radio stations at Christiansted, St. Croix on 88.5 MHz, Channel 203B (File No. BPED-930114MB) and at Charlotte Amalie, St. Thomas on 89.1 MHz, Channel 206B (File No. BPED-930114MK). Both applications have been opposed by The Puerto Rico Public Broadcasting Corporation (PRPBC). PRPBC alleges that operation of the radio stations as proposed would interfere with reception of the signal of noncommercial educational Station WIPR-TV, Channel *6, San Juan Puerto Rico, in violation of Section 73.525 of the rules.¹

4. VIPTS' consulting engineers have determined that operation with the proposed radio facilities on any channel in the reserved band would give rise to these same Channel 6 television interference concerns. However, a solution to this dilemma has

¹ In addition, the application for St. Thomas is mutually exclusive with the application of Clamor Broadcasting Network, Inc. for authority to construct a new noncommercial educational station at Culebra, Puerto Rico (File NO. BPED-930503MD).

been found. VIPTS plans to amend its application for Christiansted, St. Croix in order to change the signal so as to avoid Section 73.525 predicted interference. No such modification is feasible for the proposed Charlotte Amalie, St. Thomas station, because it is so much closer to Puerto Rico. But there is a Class A FM channel which could be assigned to Charlotte Amalie and reserved for noncommercial educational use.

The Proposal

5. There are currently six FM channels allotted to Charlotte Amalie in Section 73.202 of the rules, as follows:

241B1, 246B, 250B, 271B, 282B, 287B

VIPTS proposes that Channel 226A be added to those allotments and reserved for noncommercial educational use to provide a first public radio service.²

6. Authorizations are outstanding for all six of the Class B channels currently allotted to Charlotte Amalie.³ The community is also served by three standard broadcast stations.⁴ This is clearly ample commercial radio service for Charlotte Amalie, a community of 12,331.⁵ On the other hand, the people of Charlotte

² The Charlotte Amalie, St. Thomas station is expected to provide service as well to nearby St. John.

³ The stations are WGOD-FM, Channel 250, 97.9 MHz; WIVI(FM), Channel 241, 96.1 MHz; WIYC(FM), Channel 282, 104.3 MHz; WTBN(FM), Channel 271, 102.1 MHz, WVGX(FM), Channel 287, 105.3 MHz, and WVNK(FM), Channel 246, 97.1 MHz.

⁴ They are Stations WGOD(AM), WSTA(AM), and WVWI(AM).

⁵ There is also an occupied allotment on Channel 222B at nearby Cruz Bay, St. John. In addition, five channels are allotted to Christiansted, St. Croix and one channel is allotted

Amalie and, more generally, of St. Thomas, as well as St. John, have no local public radio service.⁶

7. The attached Engineering Statement demonstrates that Channel 226A may be allotted consistently with the Commission separations requirements and that a location is available to VIPTS which is within the permissible site area. With the addition of the proposed channel, the Table of Allotments would read as follows for Charlotte Amalie:

*226A, 241B1, 246B, 250B, 271B, 282B, 287B

Adoption of The Proposal Would Serve the Public Interest

8. The Commission has previously recognized the importance of allotting a first reserved FM channel for a community where service in the reserved band is precluded by television Channel 6 interference considerations. See, *Bozeman, Montana*, 4 FCC Rcd 4835 (1989), where the Commission stated that

...the Commission does not normally reserve commercial channels for noncommercial educational use. However, exceptions have been made in cases where the channels in the non-commercial educational band are not available because of ... potential interference to operation on VHF Channel 6.

In *Provincetown, Massachusetts*, 8 FCC Rcd 7979 (1993), the Commission made a similar allotment and reservation for a public

to Frederiksted, St. Croix.

⁶ One public radio signal from Puerto Rico is received by some Virgin Islands residents. But spoken broadcasts on that station are in Spanish, which is understood by relatively few residents of the Virgin Islands. In any event, that station's nonentertainment programming does not address the issues of special interest to Virgin Islands residents.

FM station located on the outer edge of the 47 dBu service contour of a Channel 6 television station. See also, *Rochester, Minnesota*, 7 FCC Rcd 6505 (1992), where the Commission allotted a reserved channel in the unreserved band. In that case a public FM station was permitted to move to the newly allotted channel to resolve Channel 6 interference problems. The Commission noted that the community had a population of just over 70,000 and already was served by four FM stations, three educational stations, and three AM stations.

9. Here, the allotment and reservation of Channel 226A offers the only hope for a first public radio service for Charlotte Amalie, because an area Channel 6 licensee contends that potential television interference precludes public radio operations in the reserved band. The number of local commercial services available for a relatively small population militates for reservation of this last available channel in the nonreserved band for public radio use.

10. If the Commission amends the table as proposed, VIPTS will promptly file an application for authority to construct a new public radio station on the channel and will upon grant promptly construct such a station. The activation of a St. Thomas station will also facilitate VIPTS' plans for operation of a companion St. Croix station, paving the way for a first public radio service for all of the U.S. Virgin Islands.

WHEREFORE, the premises considered, it is respectfully requested that the Commission amend the Table of Allotments as

proposed herein, to assign Channel 226A to Charlotte Amalie, U.S.
Virgin Islands and reserve it for noncommercial educational use.

Respectfully submitted,

VIRGIN ISLANDS PUBLIC TELEVISION
SYSTEM

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Its Attorneys

Dated: June 7, 1994

**ENGINEERING STATEMENT OF KEITH G. BLANTON OF THE FIRM OF
KESSLER AND GEHMAN ASSOCIATES, CONSULTING ENGINEERS
ON BEHALF OF THE VIRGIN ISLANDS PUBLIC TELEVISION SYSTEM
IN CONNECTION WITH A PETITION FOR RULE MAKING
TO ALLOCATE FM CHANNEL 226A TO THE COMMUNITY OF
CHARLOTTE AMALIE, USVI**

I, Keith G. Blanton, am an associate of Kessler and Gehman Associates, Inc., with offices in Gainesville, Florida. I have been working in the field of radio and television consulting engineering since 1961. I graduated from Duke University in 1951 with a Bachelor of Science degree in Physics.

This firm has been employed by the Virgin Islands Public Television System to make engineering studies and to prepare this engineering statement in support of a petition for rule making to allocate FM channel 226A (93.1 MHz) to the community of Charlotte Amalie, USVI in the FM Table of Allotments, Section 73.202, of the FCC Rules. Charlotte Amalie is a community on St. Thomas Island in the USVI and is the largest city and capital of the USVI. The 1990 population of Charlotte Amalie is 12,331 persons living in 4,741 housing units.

It has been determined that there is an area on St. Thomas Island in the vicinity of Charlotte Amalie in which a channel 226A station might be operated in accordance with the rules of the FCC. The attached Figure 1 is a tabulation of the nearest cochannel and adjacent channel stations and allocations and the map Figure 2 shows the area in which a channel 226A station might be located.

The Virgin Islands Public Television System has the intention of filing an application for construction permit to build a station in this area, specifically at the site shown on the map Figure 2, which would operate as a non commercial educational station on channel 226 if that channel were allocated to Charlotte Amalie. It has earlier been determined that there is no channel available in the reserved non commercial educational band from 88.1 to 91.9 MHz which could be operated to serve Charlotte Amalie in accordance with the rules of the FCC.

The coordinates of the Reference Site proposed and upon which the separations in Figure 1 are based are N. Latitude 18° 20' 36" W.

Longitude 64° 55' 53" and represent the location of the Charlotte Amalie Post Office as shown on the Central St. Thomas, VI USGS Topographic Quadrangle dated 1955 (PR-82). The site on Signal Hill upon which VIPTS intends to build the station if a construction permit is obtained are given by the coordinates N. Latitude 18° 21' 26" W. Longitude 64° 56' 50" and is shown on the map Figure 2 to be within the permissible site area.

KESSLER AND GEHMAN ASSOCIATES, INC.

Keith G. Blanton

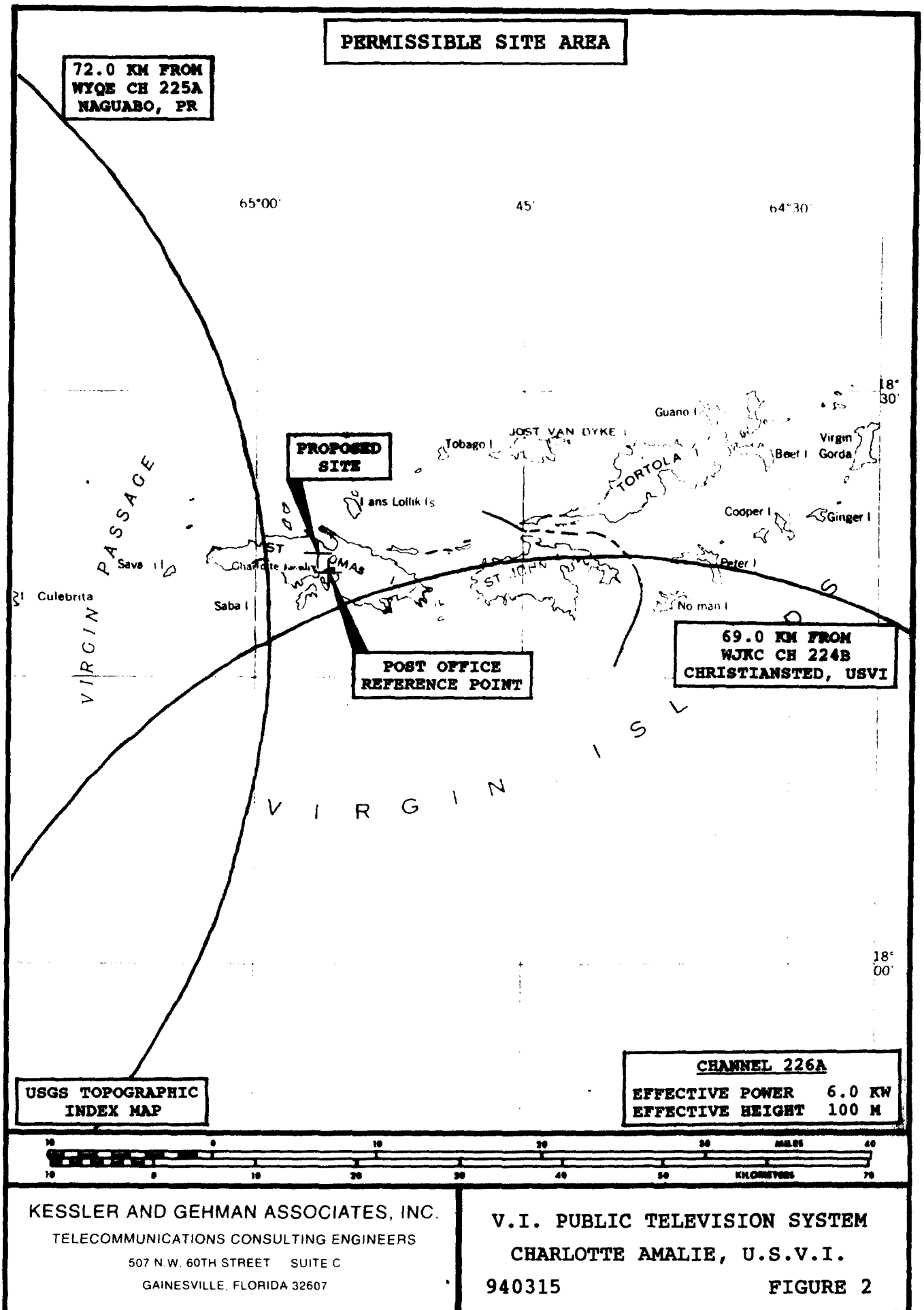
Keith G. Blanton, Consultant

March 15, 1994

VIRGIN ISLANDS PUBLIC TELEVISION SYSTEM
CHARLOTTE ANALIE, USVI

TABLE OF SEPARATIONS FROM CO-CHANNEL AND ADJACENT CHANNEL ALLOCATIONS

<u>FREQ</u>	<u>CHANNEL</u>	<u>CLASS</u>	<u>LOCATION</u>	<u>SEPARATION - KM</u>		<u>AUTHORIZED STATIONS</u>	<u>PENDING APPLICATIONS</u>
				<u>MINIMUM</u>	<u>ACTUAL</u>		
92.5MHz	223	B	Corozal, PR	69.0	148.5	WORO	--
92.7MHz	224	B	Christiansted	69.0	72.4	WJKC	Prop Add
92.9MHz	225	A	Naguabo, PR	72.0	78.4	WYQE	--
93.1MHz	226	A	NONE WITHIN 500 KM				
93.3MHz	227	B1	Ponce, PR	96.0	183.8	WOQI	--
93.5MHz	228	B	Christiansted	69.0	72.4	WAVI	--
93.7MHz	229	B	San Juan, PR	69.0	125.4	WZNT	--
103.7MHz	279	B1	British, VI	(12.0)	36.4	----	Prop Add
103.9MHz	280		NONE WITHIN 500 KM				



DECLARATION

I declare under penalty of perjury that, except for the facts of which the Federal Communications Commission may take official notice, the facts set forth in the foregoing Petition for Rule Making are true and correct.

Executed on May 31, 1994

By: Calvin F. Bastian
Calvin F. Bastian
General Manager
Virgin Islands Public
Television System